

RONALD W. DANIELS  
ASSESSMENT OFFICER  
DIVISION OF OIL GAS AND MINING

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CO-OP MINING COMPANY,

Petitioner

v.

DIVISION OF OIL GAS AND MINING

Respondent

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Civil Penalty Proceeding

Notice of Violation  
N82-5-2-10

2 of 10, 4 of 10,

8 of 10, 10 of 10.

PETITION FOR REVIEW

Comes now the Co-op Mining Company and hereby petitions the Division of Oil Gas and Mining for an informal conference to contest the revised/affirmed assessment issued for Violation 2,4,8, and 10 of 10 of the above captioned notice of violation, a copy of which is attached and alleges:

1. That the alleged violation did not occur.
2. That even if the alleged violation did occur, the proposed assessment is excessive.

WHEREFOR, Petitioner requests that the assessment be vacated, or in the alternative, an evidentiary hearing be held in Salt Lake City, Utah.

Dated this 19th day of May, 1983

*W. Daniel*

RECEIVED  
MAY 25 1983

DIVISION OF  
OIL GAS & MINING



STATE OF UTAH

DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 WEST NORTH TEMPLE - SALT LAKE CITY, UTAH 84116 - (801) 533-5771

56 64 18

Notice of Violation No. N 82-5-2-10

Violation No. 2 of 10

Nature of the Violation

Operating without a permit

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-9(1)

Portion of the Operation to which Notice Applies

Area along western side of main access/haul road, approximately 1/4 mile south of scale house; area impacted by placement of mining equipment and machinery.

Remedial Action Required (including interim steps, if any)

Remove all mining equipment and machinery from unpermitted location.

Time for Abatement (including time for interim steps, if any)

30 days, no later than January 16, 1983



STATE OF UTAH

DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 WEST NORTH TEMPLE - SALT LAKE CITY, UTAH 84116 - (801) 533-5771

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Notice of Violation No. N 82-5-2-10

Violation No. 4 of 10

Nature of the Violation

Failure to remove, segregate, stockpile and protect  
topsoil before disturbance of areas affected  
by surface operations occurs

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-17(c)

Umc 817.21, 22, 23

Portion of the Operation to which Notice Applies

Area along western side of main access/haul  
road approximately 1/4 mile south of scalehouse;  
area impacted by placement of mining equipment  
and machinery

Remedial Action Required (Including Interim steps, if any)

Remove all mining equipment and machinery  
from the unpermitted storage location.

Time for Abatement (Including time for interim steps, if any)

30 days, no later than January 16, 1983



STATE OF UTAH

DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 WEST NORTH TEMPLE - SALT LAKE CITY, UTAH 84116 - (801) 533-5771

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Notice of Violation No. N 82-5-2-10

Violation No. 8 of 10

Nature of the Violation

Failure to conduct underground coal mining activities so as to minimize changes to the hydrologic balance.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18 (2)(i)

UMC 817.41(a)

UMC 817.42(a)(2)

Portion of the Operation to which Notice Applies

Area along western side of main access/haul road approximately 1/4 mile south of scalehouse; area impacted by placement of mining equipment and machinery.

Remedial Action Required (including interim steps, if any)

Remove all mining equipment and machinery from unpermitted storage location.

Time for Abatement (including time for interim steps, if any)

30 days, no later than January 16, 1983



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

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STATE OF UTAH

Notice of Violation No. N 82-5-2-10

Violation No. 10 of 10

Nature of the Violation

Failure to construct sediment control measures which prevent additional contributions of sediment to runoff outside the permit area. Failure to pass all surface drainage from the disturbed area through a treatment facility before leaving the permit area.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18 (2)(i)(i)

UMC 817.41

UMC 817.42 (a)(1), (c)

UMC 817.43 (c)

UMC 817.45 (i)

Portion of the Operation to which Notice Applies

(catch basin)  
Diversions and inlets leading to the sediment pond located just southwest of the scale house area (pond is south side of Bear Creek)

Remedial Action Required (including interim steps, if any)

(catch basin)  
Construct diversions and inlets to the sediment pond so as to pass all surface drainage from the disturbed area through the pond

Time for Abatement (including time for interim steps, if any)

30 days, no later than January 16, 1983

BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES AND ENERGY  
IN AND FOR THE STATE OF UTAH

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DIVISION OF OIL, GAS	:	
and MINING,	:	MOTION FOR ENTRY OF
	:	CONSENT ORDER AND
Complainant,	:	CONSENT ORDER
	:	
v.	:	
	:	ACT-015-025
CO-OP MINING COMPANY,	:	
	:	
Respondent.	:	

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MOTION FOR ENTRY OF CONSENT ORDER

The Division of Oil, Gas and Mining (Division) and Co-op Mining Company (Co-op) state that they have resolved and agreed to settle all matters relating to the Show Cause Order issued to Co-op on or about February 4, 1983.

Accordingly, both parties move that the Board adopt the Consent Order set forth below and enter said Consent Order as its final order in these matters.

CONSENT ORDER

1. Co-op Mining Company shall, prior to June 1, 1983, submit to the Division of Oil, Gas and Mining a long term detailed maintenance plan for the Trail Canyon Mine.

2. Co-op Mining Company shall, prior to June 1, 1983, meet and implement design criteria for the undisturbed diversion adjacent to the main access road.

3. Co-op Mining Company shall, prior to June 1, 1983, remove sediment deposits from the existing sediment pond.

4. Co-op Mining Company shall, prior to June 1, 1983, permit with the Division the springs adjacent to the stockpile pad.

5. Should Co-op Mining Company complete the requirements contained in paragraphs 1 through 4 of this Order to the reasonable satisfaction of the Division prior to June 1, 1983, then Permit No. ACT-015-021 issued on the Trail Canyon Mine shall be suspended for one week from June 5 through June 11, 1983. During this period no coal mining activities at the mine site shall be allowed. This includes, but is not limited to, the use of the Trail Canyon operation as a support facility for the Bear Canyon operation, mining, loading, removing, processing or transporting coal. Co-op Mining Company may do reclamation work and remedial work as specified in this Order and the Mine Plan during the period of suspension.

6. Should Co-op Mining Company fail to complete the requirements contained in paragraphs 1 through 4 of this Order to the reasonable satisfaction of the Division prior

to June 1, 1983, then and on June 1, 1983, Permit No. ACT-015-021 issued on the Trail Canyon Mine shall be revoked with full reclamation of the area required prior to January 1, 1984, and in a manner as set forth in Section 40-10-1 et seq. U.C.A. (1953), as amended.

7. The Division shall not take enforcement action against Co-op Mining Company at the Trail Canyon Mine pursuant to paragraphs 2, 3, or 4, above prior to June 1, 1983, without first informing Co-op Mining Company in writing that the Division has determined that Co-op Mining is not completing work on a schedule that appears likely to allow Co-op Mining to meet the deadline for the work. The Division shall allow Co-op Mining a reasonable time after the written notice to demonstrate that it will be able to meet the applicable deadline.

8. This Order has no effect on the enforcement authority of the Division with respect to any matter not specifically addressed in this Order.

9. The Division may extend the time for performing any work required by this Order upon a showing by Co-op Mining that it is unable to perform such work as a result of a natural disaster, labor dispute, war or civil disorder. If the Division fails to respond to submittals pursuant to paragraphs 2 and 4 within a two week period, the Division




shall extend the time for performance one day for every day over the two weeks. No extension may be granted under this paragraph for adverse weather conditions other than such conditions that the Division determines to be a natural disaster.

DATED this 28 day of April, 1983.

  
BOARD OF OIL, GAS & MINING  
Charles R. Henderson, Chairman

  
CO-OP MINING COMPANY

  
DIVISION OF OIL, GAS & MINING  
G. A. (Jim) Shirazi, Director